DECLARATION OF JOHN T. SCHNEBLY

I, JOHN T. SCHNEBLY, hereby declare as follows:

I have over thirty years of experience in the window coverings industry. My experience includes product development, manufacturing, sales and licensing of window covering products, particularly cellular shades.

I have a AB degree in Psychology which I received from The University of Rochester

I currently hold 21 United States patents, all related to window covering products. Ten of these patents are specifically directed to cellular shades and cellular materials, also called honeycomb material, used in window covering products. I also have several foreign patents related to window coverings.

In 1982 I founded, with others, Thermocell, Ltd., a designer and manufacturer of window coverings which we sold to Hunter Douglas in about 1990 . While at Thermocell I, and others who worked with me, were responsible for new product development including the development of cellular window coverings. The single cell product sold by Hunter Douglas under the trademark Duette, as well as a machine to make the product, were developed at Thermocell by me and my partners. The Duette single cell product has been the most popular single cell window covering for many years. That product and the machine developed to make the product are disclosed in United States Patent No. 4,450,027.

In 1986 I founded Comfortex Corporation, a manufacturer of window coverings, where I was in charge of research and development. I held the position of Chairman of Comfortex Corporation and its Technical Director and was actively involved in its business until 1996.

Prior to Thermocell, I founded Appropriate Technology Corporation in Brattleboro, VT in 1976. I also established the Passive Solar Products Division of the Industrial Fabrics Association International in 1979 as well as the Passive Solar Division of the Solar Energy Industries Association in 1978. I also established the ASTM task group on window treatment testing standards in 1979.

I am currently working on some massive building projects in Rensselaer County NY, where I live. My most recent patent, United States Patent N. 6,674,255 B2, was issued on January 6, 2004. I am now negotiating with Somfy/Harmonic Design for an exclusive license to this patent relating to window treatment automation, wireless control of such window treatments, and TCP/IP protocols for wireless control of related lighting and HVAC systems.

At the time Comfortex Corporation was formed in 1986 we had a double cell cellular product, but did not have any single cell product. Our double cell product had a stack width of 1 3/8 inches. We sold the double cell product in traditional blinds in which the cellular product is hung from a headrail. We also sold the cellular product in an arch blind.

One of the problems with an arch blind is that a semicircular opening is created at the center point of an open arch blind. For many years the art had provided various types of inserts which could be used to cover this opening. Many of those inserts were molded plastic, decorative structures.

While at Comfortex, I, working in conjunction with others, concluded that we could make from pieces of our Symphony double cell material a structure to cover the opening in an arch blind. This structure came to be called the Rosette. At that time Comfortex made custom window coverings to fit windows whose dimensions were provided by the customer. In making these products we cut segments of double cell material from large stacks or blankets of double

cell material. Each segment was sized to correspond to the dimensions provided by the customer. After one or more segments were cut from a blanket we often had pieces of double cell material that were too small to be used as a window covering. We took one of these left over pieces of material and removed one face of the material by cutting the piece parallel to that face using a box knife. The resulting piece of material had a height of from 1 to 3 inches, a width of about 1⅛ inch and a length that was never more than 4 inches. Then we fanned the cut cellular product to create a semicircular structure which would fit over the opening in the arch blind. Attached is a drawing showing a side view of a portion of our double cell product, that same portion cut to form the Rosette and the same portion fanned to fit into the opening of an arch shade. Because the Rosette was made from a small piece of double cell material and only the end of the material was visible when the Rosette was installed, this product could be made from scrap pieces of our double cell material.

We did not consider the Rosette to be a window covering product or a cellular pleated shade member any more than the plastic inserts previously used to cover the opening in an arch blind would be considered a window covering product or a cellular pleated shade member.

Although Comfortex did have a double cell product, the company had no single cell window covering. Because of the popularity of the Hunter Douglas Duette single cell product we saw a need to add a single cell to our product line. We could not, however, copy the Duette product because of patents held by Hunter Douglas on this product.

Despite our recognition of a need for a single cell product which did not infringe the Hunter Douglas patents, we did not consider making a single cell window covering product by cutting our double cell to form a single cell structure.

In 1994 Ren Judkins disclosed to me and others at Comfortex under a confidentiality agreement his invention under which a multiple cell honeycomb fabric was cut into a tabbed cellular product and a second product that could be a tabbed pleated sheet or second tabbed cellular product. He called the process the split cake process. Since we had a double cell product and equipment that could make double cell or multiple cell products, this invention was of interest to us. Therefore, Comfortex agreed to a license from Mr. Judkins for his process of making a tabbed honeycomb material as well as the products made by that process.

At the time we created the Rosette through the period until Mr. Judkins disclosed his split cake process to me, neither I nor others at Comfortex had conceived of a single cell window covering product in which a single tab extends from each cell. This is true even though we had earlier created the Rosette and were familiar with the Duette single cell product. We had used a box knife to create the Rosette, but a box knife could not be used to cut blankets of cellular product to form a single cell window covering. Instead, one would need a machine like that Ren Judkins disclosed to us in confidence in 1994. Such a machine is described in Mr. Judkins United States Patent No. 5,630,898. We had not envisioned such a machine or the process by which one could cut large stacks or blankets of cellular material. Therefore, a tabbed cellular window covering product was not obvious to me from either our Rosette, the Duette single cell or other cellular products in the marketplace. Moreover, in my opinion it would not have been obvious to others skilled in the art to make a tabbed cellular product even if they were aware of the Rosette and the Duette product or patents.

Although I do not know when, the Rosette was first used in public in I have been told that this occurred in 1992. We continued to use the Rosette from the date of its introduction for as long as I was with the company. I believe that the Rosette continues in use today. Despite the

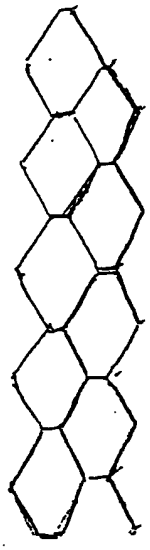
knowledge of those in the art of the Rosette, no one prior to Mr. Judkins had thought to create a cellular product in which a single tab extends from each cell.

Scrap rates have always been a concern to manufacturers and developers of window covering products. The effort has always been to minimize the scrap. Because of this concern, those skilled in the art would not be motivated to cut an existing cellular product to remove material leaving another portion that could be used as a window covering product.

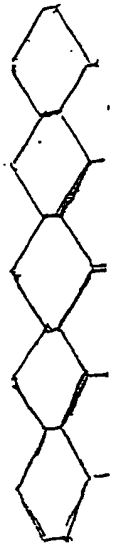
Other reasons why we did not consider cutting a multi-cell product to make a tabbed single cell are the extra work and the cost of effective cutting systems. Based upon my experience and knowledge of the art, it is my opinion that a tabbed cellular product of the type disclosed and claimed by Ren Judkins in his patent application was not obvious to those skilled in the art in the early 90's when Mr. Judkins' invention was shown to us and would not have been obvious to those skilled in the art who are familiar with the Rosette product and other cellular products in the industry.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code. This declaration is signed by me on June 22, 2004.

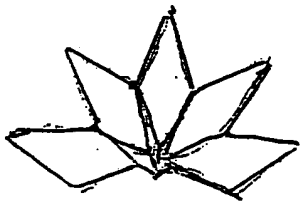
JOHN T. SCHNEBLY



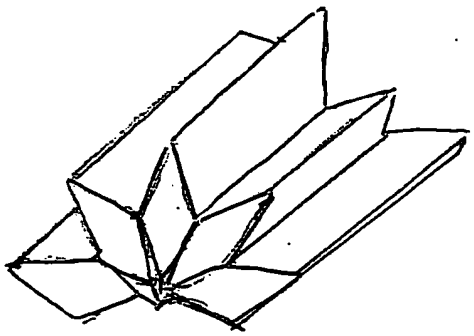
Piece of Symphony
double cell material



Piece of Symphony
double cell material
after being cut



End view of Rosette



Perspective view of the Rosette

This Page is Inserted by IFW Indexing and Scanning Operations and is not part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☑ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.
As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.